

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CONVOLVE, INC.	§	
	§	
V.	§	Civil Action No. 2:08-CV-244 (CE)
	§	
DELL INC.,	§	
WESTERN DIGITAL CORPORATION,	§	
HITACHI GLOBAL STORAGE	§	
TECHNOLOGIES, INC. and HITACHI LTD.	§	

**July 19, 2011
Jury Trial Day Two**

OPEN: 8:35 a.m.

ADJOURN: 4.53 p.m.

ATTORNEYS FOR PLAINTIFF:	James Anderson
	Eric Albritton
	Marla Butler
	Stephen Edwards
	Tara Sharp
	Elizabeth Thomas
	Bryan Vogel

ATTORNEYS FOR DEFENDANTS:	Deron Dacus
	Eric Findlay
	Roger Fulghum
	Jeff Homrig
	Gene Schaerr
	Melissa Smith
	Kimball Anderson
	Doug Lumish
	Michael Smith
	Bruce Wessel
	David Schwarz
	Garland Kelley
	Joseph Lee
	Richard Birnholz
	Tom Werner
	Anna Halsey
	Chris Ponder

LAW CLERK:	Katrina Maher
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COURT REPORTER:	Shelly Holmes, CSR
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COURTROOM DEPUTY:	Jan Lockhart
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8:34 Court opened.

8:35 a.m. Mr. Birnholz continued his examination of Dr. Di Euliis.

8:41 a.m. Mr. Fulghum conducted further examination of Dr. Di Euliis.

9:11 a.m. Bench conference.

9:14 a.m. Ms. Butler objected to question. Bench conference held.

9:16 a.m. Mr. Fulghum continued his examination of Dr. Di Euliis.

9:19 a.m. Mr. Lumish conducted further cross examination of Dr. Di Euliis.

9:40 a.m. Ms. Butler conducted re-direct examination of Dr. Di Euliis.

10:10 a.m. Court adjourned.

10:32 a.m. Court reconvened. Ms. Butler continued re-direct examination of Dr. Di Euliis.

10:41 a.m. Mr. Birnholz conducted re-cross examination of Dr. Di Euliis.

10:51 a.m. Mr. Fulgham conducted further re-cross examination of Dr. Di Euliis.

10:54 a.m. The parties passed the witness. Mr. Anderson called Dr. Neil Singer to testify. Dr. Singer was previously sworn and was examined under oath.

11:44 a.m. Bench conference.

11:46 a.m. Mr. Anderson continued his examination of Dr. Singer.

12:00 p.m. Lunch recess until 1:15 p.m.

1:17 p.m. Hearing outside the presence of the jury.

1:19 p.m. Jury returned to courtroom. Mr. Anderson continued his direct examination of Dr. Singer.

1:53 p.m. Bench conference.

1:54 p.m. Parties passed the witness.

1:55 p.m. Mr. Lumish conducted cross examination of Dr. Singer.

2:59 p.m. Jury excused. Hearing outside the presence of the jury. Mr. Lumish argued on behalf of

Hitachi – Mr. Anderson argued on behalf of Plaintiff. Court ruled.

3:02 p.m. Court adjourned until 3:25 p.m.

3:28 p.m. Jury returned to courtroom. Mr. Lumish continued his cross examination of Dr. Singer.

3:43 p.m. Mr. Dacus conducted further cross examination of Dr. Singer.

4:16 p.m. Court instruction to jury. Mr. Dacus continued his examination of Dr. Singer.

4:37 p.m. Ms. Smith conducted cross examination of Dr. Singer.

4:51 p.m. Jury excused for day until 8:30 a.m. Court will give parties ruling on spoliation.

4:53 p.m. Court adjourned.